IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO. 311 OF 2006

Nenshi Ganesh Mirani ... Petitioner.

V/s.

Amrutlal Ganesh Mirani ... Respondent.

Mr. Vijay Vaghela for the petitioner.

Ms. Snehal Shah alongwith Mr. Sanjay Kotak i/by M/s. Purnanand & Co. for the respondent.

CORAM : ANOOP V. MOHTA,J.

DATED : 20th April, 2007

P.C.

Admittedly, the application under Section 11 of the Arbitration and Conciliation Act-1996 (for short, "The Arbitration Act-1996") is pending before the Court of the Chief Justice for orders on the constitution of the Tribunal, if any, as per the agreement. The learned counsel appearing for the respondents even disputing the said arbitration clause. However, without prejudice to the rights and contentions of the respective parties, at this stage, in view of the order dated 22nd November, 2006, which is reproduced as under:-

> . "The learned counsel appearing for respondent, without prejudice to his rights and contentions, including the contention that there is no arbitration agreement between the parties, states that though the respondent shall be free to make effort to sell the property which is described at Exh. 'K' to the petition, they will not exeucte the document of transfer without giving to the petitioners at least one week's notice. Statement is accepted. In view of this statement, no ad-interim order is necessary. The learned counsel appearing for both the sides states that both of them will cooperate with the judicial authority before whom the application under Section 11 filed by the petitioners is pending in expeditious disposal of that application. Put up on 8th January, 2007.

I am of the view that this order to continue till the decision of Section 11 petition and two weeks thereafter. The parties are at liberty to move under Section 17 of the Arbitration Act, also.

2. The petition is disposed of accordingly.

[ANOOP V. MOHTA, J.]